

**REMARKS**

Claims 1-19 are pending in the present application. Reconsideration of the claims is respectfully requested.

**I. 35 U.S.C. § 103, Obviousness**

The Examiner has rejected all claims under 35 U.S.C. § 103 as being unpatentable over Ghoshal et al. (USPN 6403876) in view of Amano et al. (USPN 5864087); and over Ghoshal et al. (USPN 6384312) in view of Amano et al. (USPN 5864087); and over Ghoshal in view of Amano, further in view of Lemelson (USPN 3779446). This rejection is respectfully traversed.

**1. Statement Concerning Common Ownership of References Cited**

Applicant respectfully refers Examiner to the office action at pages 2-3, where Examiner cites Ghoshal et al (USPN 6,403,876) in a 35 USC 103(a) rejection against claims 1-5, 7-11, 13-16, 18, and 19 of the present application. Further, Examiner also rejects these same claims (*i.e.*, 1-5, 7-11, 13-16, 18, and 19) under 103(a) using Ghoshal et al (USPN 6,384,312) at p.5 of the office action. These rejections include all independent claims of the present application.

It is noted that because this application was filed after November 29, 1999, these 103(a) rejections may be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. *See* MPEP sec. 706.02 (I)(1) and (I)(2).

Therefore, Applicant respectfully submits that the present application and both Ghoshal references cited by the Examiner (*i.e.*, USPN 6403876 and USPN 6384312) were, at the time the invention of the present application was made, subject to an obligation of assignment to the same person, namely, International Business Machines Corporation, Armonk, NY (US).

In further support of this submission, Applicant refers Examiner to the cited references themselves, which were in fact assigned to International Business Machines Corporation, as stated.

Also, Applicant refers to MPEP 706.02(I)(2)(II), which states in part:

The following statement is sufficient evidence to establish common ownership of, or an obligation for assignment to, the same person(s) or organization(s):

Applications and references (whether patents, patent applications, patent application publications, etc.) will be considered by the examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the applicant(s) or an attorney or agent of record makes a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person.

Therefore, according to MPEP 706.02(I)(2)(II), Applicant respectfully submits that Ghoshal et al (USPN 6,403,876) and Ghoshal et al (USPN 6,384,312) are disqualified as prior art against the present application.

Therefore, the rejection of all claims under 35 U.S.C. § 103 has been overcome.

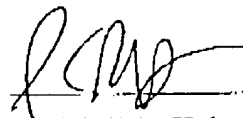
## II. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 8.22.03

Respectfully submitted,



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